vice-president and Dr. Charles B. Pinkham of San Francisco was again chosen secretary-treasurer.

Surgeon-General of United Spanish War Veterans. At the national encampment of the United Spanish War Veterans held at Milwaukee, Wisconsin, Dr. Smith McMullin of Yuba City was elected surgeon-general of the national organization. California colleagues of Doctor McMullin are appreciative of the honor which has come to him.

San Diego Academy of Medicine.—Dr. Hans Lisser of San Francisco was the guest speaker at the San Diego Academy of Medicine on November 3 and 4. His subjects were: Present Status of Organotheraapy; and The Diagnosis and Treatment of the Clinical Syndromes Produced by Excessive or Deficient Secretion from the Suprarenal Medulla and Cortex.

American Society for the Control of Cancer.—At its meeting of October 8 the board of directors of the American Society for the control of Cancer took the following action:

It was voted that the bulletin of the society be made its official organ and that the present relationship between the society and the *American Journal of Cancer* be discontinued.

Colver Lectures at Los Angeles.—The College of Medical Evangelists announces the fifth series of the Colver Lectures for the medical profession to be delivered by Dr. Russell M. Wilder of the Mayo Clinic on November 15, 16, and 17 (Tuesday, Wednesday, and Thursday evenings), at 8:15 at the White Memorial Hospital, the lectures to be held in the Paulson Hall, Michigan Avenue and State Street. The titles of the lectures are as follows: The Diagnosis of Parathyroid Overfunction, Tuesday evening, November 15; The Treatment of Obesity, Wednesday evening, November 16 (this lecture is sponsored by the Section of Internal Medicine of the Los Angeles County Medical Association); Spontaneous Hypoglycemia, Thursday evening, November 17. A cordial invitation is extended to all members of the medical profession as well as to medical students and others interested in medicine. Doctor Wilder's investigative and clinical work, particularly in the field of diabetes, is widely known.

Public Health Activities of Milbank Memorial Fund. The question of how to increase the purchasing power of the public health dollar will receive renewed emphasis in the policy of the Milbank Memorial Fund, which granted $843,337 last year for philanthropic projects, according to its annual report published yesterday.

In the twenty-seven years since it was founded by Mrs. Elizabeth Milbank Anderson, this Fund, of which John A. Kingsbury is the secretary, has appropriated $8,987,575 for public health, social welfare, and education. During that period 147 projects have been aided. Last year its grants amounted to $843,337. . . .

During the past year, according to Mr. Kingsbury, the emphasis of the Fund has shifted "from experiments in applying commonly accepted procedures, as in the New York health demonstrations, to experiments with new or improved public health administrative methods, these methods themselves being the outgrowth of analysis of past experience and planned especially for community programs." In view of present-day economic problems the report stresses "the need of obtaining the greatest efficiency in public health work, in order thereby to increase the purchasing power of the public health dollar, whether that dollar comes from taxation or from voluntary contributions."

A major project aided by the Milbank Memorial Fund since 1927 is the work of the Committee on the Costs of Medical Care, to which a grant of $80,000 was made in 1931. This committee, headed by Dr. Ray Lyman Wilbur, is studying the problem of providing adequate medical care at costs which can be met by all people and which will at the same time provide adequate remuneration for the physician. The committee's work is nearing completion. . . .

The Milbank report reviews the health activity in the Bellevue-Yorkville Health Center, New York City, to which the Fund has contributed for five years. This work, under the leadership of Dr. Shirley W. Wynne, City Commissioner of Health, besides inaugurating important clinical nursing, and other health services in the area, has provided valuable experience which is utilized in planning the new health centers in New York City. . . .

A grant of $50,000 was made in 1931 to the New York Diphtheria Prevention Commission, of which Thomas W. Lamont was chairman, bringing the Fund's total contribution for this work to $190,000. More than half a million children were immunized during the campaign conducted by this Commission. . . .

The Milbank foundation's division of publication reports the issuing of five volumes during 1931 in cooperation with publishers for the book trade, namely, "Health on the farm and in the Village" by Professor C.-E. A. Winslow, a critical survey of the Cattaraugus County Health Demonstration; "School Ventilation, Principles and Practices" by the New York Commission on Ventilation; and a series of three volumes by Sir Arthur Newsholme entitled "International Studies on the Relation Between the Private and Official Practice of Medicine with Special Reference to the Prevention of Disease." Sir Arthur's work gives the findings of a survey of health procedures in Europe which he conducted for the Milbank Memorial Fund. A volume entitled "Medicine and the State," which interprets the survey, has been published this year.

CORPORATION PRACTICING DENTISTRY

Because the issues involved are somewhat similar to those met with in certain medico-legal complications, space is being given to an interesting decision that has just been handed down by the Supreme Court of the State of California. The case is known as *Parker* vs. *Board of Dental Examiners, State of California:* S. F. No. 14394. The decision was rendered September 1. 1932, and was printed in the September 8, 1932 issue of *California Decisions,** the official organ of the Supreme Court of the State of California.

Lack of space in CALIFORNIA AND WESTERN MEDICINE prevents publication of the full opinion, but the editor has excerpted some of the major principles which were discussed by the learned court. These follow:

S. F. No. 14394. In Bank. September 1, 1932.

Painless Parker, Plaintiff and Appellant, vs. The Board of Dental Examiners of the State of California and O. E. Jackson, C. E. Pryor, Harvey Stallard, C. A. Herrick, Bert Boyd, J. M. Blodgett and E. O. Lawing, as Members and Comprising said Board of Dental Examiners, Defendants and Respondents.

[1] Dentists—Legislature—Police Power.—The legislature has power to regulate the practice of dentistry, not only on the ground that it concerns public health, but also on the ground that it is the state's duty to enact laws which will afford protection to public morals.

[2] Id.—Corporations—Licenses.—The law does not assume to divide the practice of dentistry into a "business side" and the actual performance of the dental work, the subject being treated as a whole, and under the Dental Act a corporation or unlicensed person may not legally manage, conduct or control the "business side" of the practice of dentistry.

[3] Id.—Unprofessional Conduct — Suspension of License—Evidence—Findings.—In this proceeding to review

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*Copies of this number of "California Decisions" may be had at fifty cents each by writing to The Recorder Printing and Publishing Company, 460 Fourth Street, San Francisco, Cailf.

an order of the Board of Dental Examiners suspending petitioner's license to practice dentistry for a period of five years, the evidence was sufficient to support the findings of the board that petitioner aided and abetted a corporation and a natural person, who were not licensed to practice dentistry, to unlawfully engage in the practice of dentistry, and that petitioner had used false, assumed and fictitious names in conducting and engaging in the practice of dentistry in this state.

[4] Id.—Jurisdiction.—In such proceeding, the acts of petitioner were within the purview of the statute defining unprofessional conduct, and the Board of Dental Examiners therefore had jurisdiction to suspend petitioner's license.

[5] Id.—Laches.—Delayed action on the part of those who are charged with the execution of laws will not be permitted to annul the law, and in such proceeding, where it appeared that for a period of some fourteen years the Board of Dental Examiners and petitioner had had frequent controversy as to the legality and professional propriety of petitioner's methods employed in the practice of dentistry, and that at no time was the subject set at rest, there was no merit in the contention that the long period of time over which petitioner had operated and the interpretation that the board and its legal advisers had placed upon the statute was entitled to weight in determining the question as to whether or not petitioner was guilty of unprofessional conduct.

[6] Id.—Witnesses—Immunity.—In such proceeding, petitioner could not complain that several witnesses against him testified under a promise of immunity from prosecution if they would testify under the provisions of Section 1324 of the Penal Code, which section had been repealed some fourteen years prior to the day of the hearing, the competency of evidence not depending in any way upon the means by which it is brought into court, where it is offered in evidence.

[7] Id.—Unprofessional Conduct—Punishment.—In such proceeding, even if it were to be admitted that the suspension of petitioner from the practice of dentistry for a period of five years was excessive, the matter was one for the Board of Dental Examiners, and the order could not be modified by the court.

Appeal by plaintiff from a judgment of the Superior Court, City and County of San Francisco, Walter Perry Johnson, Judge, in an action to set aside order of the Board of Dental Examiners suspending petitioner's license to practice. Affirmed. Langdon, J., dissents.

On hearing after judgment in District Court of Appeal, First District, Division Two (66 Cal. App. Dec. 36), reversing judgment of Superior Court in an action to set aside order of Board of Dental Examiners suspending petitioner's license to practice. Judgment of Superior Court affirmed. Langdon, J., dissents.

For Appellant—Harry Keyser, John C. Stevenson.

For Respondents — Jesse W. Carter, Annette Abbott Adams.

This appeal is taken from a judgment entered by the Superior Court of the City and County of San Francisco in a certiorari proceeding wherein said Superior Court affirmed the order or judgment rendered by the Board of Dental Examiners of this state on December 7, 1929, upon original proceedings taken and had by said Board of Dental Examiners, suspending the license of said petitioner, Painless Parker, theretofore issued to him by said board, for a period of five years, commencing January 2, 1930. The matter is before us on an order transferring the cause to this court after decision by the District Court of Appeal, reversing the judgment of said Superior Court. The provisions of the Act regulating the practice of dentistry (Deering's General Laws of California, 1931, title 157, Act No. 2048) which bear upon the questions presented and found in Section 11 of said Act, and are as follows:

"Any person shall be understood to be practicing dentistry within the meaning of this Act who shall (1) . . . "

One of the penalties prescribed for the commission of the acts charged against the petitioner and appellant herein is the revocation or suspension of his license to practice dentistry in this state. Section 12 enumerates certain violations of the Act which are punishable as misdemeanors, and certain other violations which are punishable either as misdemeanors or as felonies. It provides as follows:

"Any person who . . . shall under any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise or any name other than the name under which he is licensed, practice . . . "

Section 13 enumerates several grounds, any one of which is deemed sufficient cause for the revocation or suspension of a dentist's license. In the list the following appear: The rendition of a judgment by a court of competent jurisdiction finding him grossly unskillful or negligent in his practice; unprofessional conduct or gross ignorance or inefficiency in his profession. Unprofessional conduct is defined to consist of the employment of cappers or steerers to obtain business; aiding or abetting any unlicensed person to practice dentistry unlawfully; "the use of any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise, or any practice, advertise or in any other manner indicate that he is practicing or will practice dentistry."

Section 15 of said Act provides that the Board of Dental Examiners, or any member thereof, may prefer a complaint "for violation of this Act or any part thereof," and concludes with making it the duty of the district attorney to prosecute all violations of said Act.

The accusation charges petitioner with unprofessional conduct in four counts. The first count charges that between August 4, 1915, and May 31, 1929, petitioner, Painless Parker, aided and abetted an unlicensed person to practice dentistry unlawfully. The gist of this accusation is that on August 4, 1915, petitioner caused to be formed and organized a corporation under the name of Painless Parker Dentist, for the purpose and with the object that said corporation should conduct, own, operate and control dental offices throughout this state, the United States of America and the Dominion of Canada, and thereafter, pursuant to said purpose and object, petitioner, Painless Parker, did aid and abet said corporation, Painless Parker Dentist, an unlicensed person, to practice dentistry in this state and to conduct, own, operate and control dental offices throughout the State of California, where dental operations were performed and the practice of dentistry was carried on.

Count two charges . . . .

Count three charges . . . .

Count four alleges . . . .

The Board of Dental Examiners found against petitioner on each one of said counts.

It may be taken as conceded that the original or given name of petitioner was Edgar R. and that said original or given name was discarded and "Painless" was, under form of law, adopted in its stead as his first or given name. . . .

The purposes for which the corporations Painless Parker Dentist and Associated Dental Supply Company, respectively, are formed and the powers which they assume to exercise are both multifarious and heterogeneous. While many of the purposes set out in the articles of incorporation have a connection with some of the various forms and kindred branches of dentistry, others have no relevancy whatsoever to the subject. . . .

It will be seen from the above summary that the Parker organizations, of which Painless Parker is the director in chief, are interlinked in the multifarious dental projects herein mentioned.

[1] That the regulation of the practice of dentistry comes as legitimately within the powers of the legislature as does the practice of medicine, or any other of the professions which require special scientific knowledge on the part of the practitioner, there can be no doubt. It must be conceded that the legislature has power to regulate the practice of dentistry not only on the ground that it concerns public health, but also on the ground that it is the state's duty to enact laws which will afford protection to public morals. There is no profession, except the practice of medicine, where the patient passes so completely within the power and control of the operator as does the dental patient. Not infrequently does the operator perform his work upon the patient in the privacy of his office. The right to administer anesthetics which produce local or general insensibility to pain, or drugs which may produce total or semi-unconsciousness, or otherwise affect the nervous system, should be withheld not only from all persons who are not highly skilled in the knowledge of and the use of said drugs, but also from persons who cannot produce evidence of good moral character. Good moral character and "fitness" to practice dentistry are statutory requirements. Dentistry is referred to in the Dental Act (Sec. 13, Subd. 3) as a profession. The letter of the statute authorizes persons only to engage in the practice of dentistry. The underlying theory upon which the whole system of dental laws is framed is that the state's licensee shall possess consciousness, learning, skill and good moral character, all of which are individual characteristics, and none of which is an attribute of an artificial entity. Surely the state, for the better regulation of the practice of dentistry, and as a means of preventing evasions of the law, and with the object of more readily fixing statutory responsibility, has the power to limit such practice to natural persons.

[2] Appellant claims that there is a distinction between the practice of dentistry which the statute undertakes to regulate and the purely business side of the practice; that the first requires skill and learning, while the latter requires only training in business transactions, and if the management or conduct of the "business side" by a layman is inhibited by statute, then the inhibitions of the statute are beyond the scope of the police power of the state, and are void as being unconstitutional, citing . . . .

The practice of dentistry is not open to commercial exploitation. Such would be its fate if the methods adopted by petitioner should become general. That a corporation may not engage in the practice of the law, medicine, or dentistry is a settled question in this state. None of those professions which involves a relationship of a personal as well as a professional character, which has to do with personal privacy, can be placed in the same category as druggists, architects, or other vocations where no such relationship exists. The question here is whether the practices as jointly carried on by petitioner and his corporate associates and entities justify the inference that all are, as a matter of fact, mutually engaged in the practice of dentistry, or do the particular methods employed sustain the accusations, or any of them, charging petitioner

with unprofessional conduct. The record speaks for itself, and further particularization is not necessary.

Petitioner has not shown that a greater or better public good has been promoted by the formation of the corporations and subsidiary associations by and through which he has conducted the practice of dentistry than that which has accrued to the long-established ethical standards which are founded upon experience, investigation and research, and which have so universally met with the approval of the public's conception and understanding of the legal and ethical proprieties as to have become codified into the laws of this state and practically into the laws of many of the countries of the civilized world.

[3] Considering the letter and spirit of the Dental Act founded upon the universal method of practicing dentistry which has prevailed in this state for many years, we are of the view that the findings of the Board of Dental Examiners are supported by the evidence. . . .

[4] The only question presented by this appeal is one of jurisdiction. We are of the opinion that the acts complained against bring petitioner within the purview of the Acts defining unprofessional conduct as herein set forth.

[5] It is insisted that the long period of time over which petitioner has operated, and the interpretation that the board and its legal adviser have placed upon said Act is entitled to weight in the proceeding. For a period of some fourteen years the board and petitioner have had frequent controversy as to the legality and professional propriety of petitioner's methods employed in the practice of dentistry. At no time was the subject set at rest. Delayed action on the part of those who are charged with the execution of laws will not be permitted to annul the law. It may be considered by the court as a reason for the mitigation of punishment, but the judicial department is not absolutely bound to regard it.

[6] Several of the witnesses who were employees of the Parker organization upon being called to the stand were advised by their attorneys that they might claim their privilege and decline to testify on the ground that they were not required to give testimony against themselves. The board thereupon promised them immunity from prosecution if they would testify under the provisions of Section 1324, Penal Code, which section had been repealed some fourteen years prior to the day of the hearing. Said witnesses testified and petitioner claims that this evidence was improperly admitted and cannot be considered, on the ground that it was obtained through mistake as to Section 1324 being a subsisting Act. There is no merit in this contention. . . .

[7] It is earnestly insisted that the suspension for a period of five years from the practice of dentistry imposed by the Board of Dental Examiners is excessive. We may agree with petitioner that it does appear rather severe, considering the age of petitioner and the circumstances of the controversies which have been waged between him and the Board of Dental Examiners. As above remarked, we have no power to modify it. The board that imposed the penalty has the power at any time to modify or revoke it as may appear to them to be just.

Judgment affirmed. SEWELL, J.

We concur: Curtis, J., Preston, J., Tyler, P. J., Waste, C. J.

A dissenting opinion was submitted by Langdon, J.

SANTA BARBARA COUNTY GENERAL HOSPITAL

In the editorial section* of this issue of CALIFORNIA AND WESTERN MEDICINE attention is called to an interesting letter that has been filed in Santa Barbara County by one of its citizens, Mr. William S. Long. Mr. Long made demand on October 6, 1932, that pay patients be no longer admitted to the Santa Barbara County General Hospital.

A press dispatch printed in the Los Angeles *Times* of October 7 led the editor to obtain copies of the Santa Barbara newspapers of even dates. The Santa Barbara *Daily News* of October 6, 1932, contained an extensive report on the entire matter, printing not only Mr. Long's demands on county officials of Santa Barbara County, but also an open letter by Mr. Long in which he explained why he had instituted his actions.

The articles make very interesting medico-legal reading, and because of their important bearing on the public health and on the interests of the medical profession of California, they are reprinted in this issue of CALIFORNIA AND WESTERN MEDICINE.

The open letter of Mr. Long is first given, and is followed by the *Daily News* article.

* See editorial comment in this issue of California and Western Medicine, page 322.

Mr. Long's open letter is as follows:

SOCIALISM GONE MAD

William S. Long Declares Present County Hospital System "Outranks the Most Fantastic Reveries Ever Indulged in by Karl Marx While Contemplating the Creation of His Mythical Utopia!"

Editor, The Evening News:

In asking the courtesy of your columns to explain my reasons for issuing a demand against the Board of Supervisors pertaining to the work of the General Hospital of Santa Barbara and the Santa Maria branch thereof, it is my wish to have this subject brought before the entire community, in order that my viewpoint pertaining to the functions of these institutions shall be fully understood.

I have neither political nor ulterior motives in making this demand. On the contrary, my action is entirely altruistic, and for what I consider to be the best interests of all the citizens of the county.

It is officially reported that the public debts of the various units of our American republic amount to the staggering sum of thirty-one thousand million dollars! This means that every man, woman and child in the United States, whether in the cradle, in jail, in asylums, in homes for the aged, employer or unemployed owes $250 to public bondholders; and fifteen thousand million dollars must be produced each year for governmental purposes!

Several states are now on the verge of bankruptcy, and public bond defaults are published every day of the week. Even our own California is not immune from these defaults; and they will become more numerous if drastic remedies are not applied to curb our public outlay.

We should remember that the people of this state pay about $700,000,000 a year for the privilege of basking in the sunlit atmosphere of California, and even our Secretary of State has expressed fears as to our ability to meet this enormous taxation.

The General Hospital is an illustration of how we have overstepped the limits of sane and safe operation of our public institutions. Originally planned as a hospital for the care of the needy poor, it has developed into a great and luxurious sanitarium, into which are accepted many persons who are fully able to pay their own expenses in private hospitals. The statutes under which these institutions operate explicitly state that their work shall be done exclusively among the indigent (with certain well-defined exceptions), such as emergency cases when called upon to do so—merely this and nothing more.

No person through whose heart courses human blood will raise any objection to the treatment of the indigent sick. These unfortunates must be served good food and accorded proper care and attendance; they must be brought back to health and placed on their feet so that they may be better able to cope with the conditions prevailing in modern life.

But the charity of the state does not extend to those who are possessed of sufficient means to pay their own expenses. On the contrary, the general hospitals are public foundations, supported by the community for the benefit of impoverished citizens of the county. Moreover, it was not the intention of the taxpayers to erect, equip and maintain a vast organization for the treatment of one and all who wish to enter.

The General Hospital is the property of the taxpayers of the county and as a property owner of this city and county, I wish to enter a protest against the expenditures of my taxes for the support of an institution that renders all the benefits of high-grade hospitalization, at a nominal fee, to persons who own property and, in many instances, enjoy highly remunerative incomes.

The decrease in revenue from my property, without a corresponding decrease in taxation, has resulted in a condition that is nothing short of confiscatory—and innumerable instances of overtaxation are to be seen on every hand.

Therefore, I deem that it is within my right to ask if it is fair or reasonable to impose heavy taxation upon property that is yielding three or four per cent on the investment, and use the money upon persons who are well able to pay their own bills?

Is it justifiable to levy tribute upon a man who is earning a mere existence in order that another man—perhaps in superior financial circumstances—shall enjoy, without adequate payment therefor, all the comforts a modern hospital extends to its clientele?

This is socialism gone mad! It usurps the rights of the citizens as those rights are defined by the state legislature for the operations of such institutions. Yes, it outranks the most fantastic reveries ever indulged in by Karl Marx while contemplating the erection of his mythical Utopia!

It is common knowledge that the sentiment prevails among the people of Santa Barbara County that the cost of operating the General Hospital is far above what the community had in mind when the plans were being formulated. The sentiment animating the people was to extend a charitable hand to afflicted persons who could not afford to engage a physician, employ a qualified nurse, or to purchase the delicacies that illness requires.

Explanations may be made to the effect that the revenue derived from pay patients redounds to the welfare of the hospital, because the receipts enable the institution to render better service to those who do not pay. But,